	Application No.	Applicant(s)
Notice of Allowability	10/521,872	KLASSEN ET AL.
	Examiner	Art Unit	
	Hetul Patel	2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the RCE filed on 10/15/2007*.

2. ☒ The allowed claim(s) is/are *44,48-54 and 58-61;and they are renumbered as 1-12, respectively* .

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some*   c) ☐ None of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

       1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
    Paper No./Mail Date _____ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Hence, Applicant's submission filed on

08/29/2007 has been entered and carefully considered.

2.   Claims 1-43 are cancelled; and claims 44-61 are newly added. Therefore, claims

44-63 are currently pending in this application.

Information Disclosure Statement

3.   The 11 pages NPL document listed in citation number A6 on page 2 of the IDS

submitted on 01/21/2005 was mistakenly considered and initialed by Examiner on

03/21/2007. Since this NPL document does not include a date (with at least the year), it

should not be considered and initialed by Examiner. Examiner has corrected his

mistake by not considering this document at this time. The corrected copy of the IDS is

attached with this letter/document.

EXAMINER'S AMENDMENT

4.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

5.   Authorization for this examiner's amendment was given in a telephone interview

with Joseph M Sauer (Reg. No. 47,991) on 10/25/2007.

6.   The application has been amended as follows:

Claims 45-47 and 55-57: (Cancelled).

Claim 44 (Currently Amended):

A system for managing memory space in a mobile device, comprising:

-    a plurality of data storage locations;

-    a plurality of software applications, each software application being operable

to store data files to a different storage location; and

-    a data store management system configured to access and delete data files

in the plurality of data storage locations,

-    the data store management system providing a plurality of memory retention

algorithms, wherein one of the plurality of memory retention algorithms is

selected by a user to determine a criteria used to select data files for deletion

from the plurality of data storage locations,

-    the data store management system further providing a plurality of control

levels, the plurality of control levels providing threshold levels for selecting

data files for deletion according to the selected memory retention algorithm,

wherein a control level is selected to set a threshold level for the selected

memory retention algorithm so data files at or above the threshold level are

deleted,

- wherein the data store management system is further configured to receive

an initial control level and delete one or more data files according to the initial

control level and the selected memory retention algorithm, and if sufficient

memory space is not available after deleting data files according to the initial

control level and the selected memory retention algorithm, then increment the

initial control level and delete one or more additional data files according to

the incremented control level,

- wherein the threshold level associated with the control level becomes

progressively lower as the selected control level is incremented.

Claim 54 (Currently Amended):

A computer implemented method for managing memory space in a mobile

device, comprising:

- storing data flies in memory;

- selecting one of a plurality of memory retention algorithms for deleting

sufficient data in memory to yield sufficient free memory space in the

memory; and

- setting a control level to provide a threshold level used by the selected

memory retention algorithm to select data files for deletion according to the

selected memory retention algorithm, wherein the control level is selected to

set the threshold level for the selected memory retention algorithm so data

files at or above the threshold level are deleted;

- receiving an initial control level;

- deleting one or more data files according to the initial control level and the

selected memory retention algorithm;

- determining if sufficient free memory space is available; and

- if sufficient free memory space is not available after deleting data files

according to the initial control level and the selected memory retention

algorithm, then incrementing the initial control level and deleting one or more

additional data files according to the incremented control level and the

selected memory retention algorithm,

- wherein the threshold level associated with the control level becomes

progressively lower as the control level is incremented.

Allowable Subject Matter

7.   Claims 44, 48-54 and 58-61 are allowed; and they are renumbered as 1-12,

respectively.

REASONS FOR ALLOWANCE

8.   The following is an examiner's statement of reasons for allowance:

The prior arts of record do not teach nor suggest, either alone or in combination,

all the limitations of the amended claims of the current invention (renumbered claims 1

and 8); particularly about selecting a control level to set the threshold level for the

selected memory retention algorithm at or above which data files are deleted; receiving

an initial control level; deleting one or more data files according to the initial control level

and the selected memory retention algorithm; determining if sufficient free memory

space is available; and if sufficient free memory space is not available, then

incrementing the control level and deleting one or more additional data files according to

the incremented control level and the selected memory retention algorithm, wherein the

threshold level associated with the control level becomes progressively lower as the

control level is incremented.

Renumbered claims 2-7 and 9-12 further limit the allowable independent claims.

These claims are therefore allowable for the same reasons as set forth supra.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hetul Patel whose telephone number is 571-272-4184.

The examiner can normally be reached on 8:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HBP/
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